REMARKS

Interview with the Examiner

The applicant's representative thanks the Examiner for the courtesy of a telephonic interview on December 13, 2005, and a follow up interview on January 9, 2006. During the interviews, claim 40 and amendments, similar to those in the present Response, were discussed in view of U.S. Pat. No 5,410,344 to Graves et al. ("Graves"). No agreement has been reached about the patentability of the claims.

Claims

Claims 40-53 were pending when last examined. With this Response, claims 40-53 have been amended. Support for the amendment can be found at least in FIG. 3 and the corresponding description in the specification.

Claim Rejections – 35 USC § 102

Claims 40-53 were rejected under 35 U.S.C. 102(b) as being anticipated by Graves. The applicant respectfully traverses the rejections.

Claim 40, as amended, recites a method that comprises providing a hierarchical data structure including two or more parent preference objects, assigning a respective preference value to each of the two or more parent preference objects, and generating a user profile that includes the hierarchical data structure and specifies the respective preference value for each of the two or more parent preference objects.

Graves discloses a user interface presenting a "series of questions" for a particular multimedia program (FIG. 5 and from col. 6, line 60, to col. 7, line 4). The Examiner pointed out that the series of questions includes a question that asks for an Overall Feature Rating (id.). Graves, however, nowhere discloses that the Overall Feature Rating is a parent preference object in a hierarchical data structure. Indeed, Graves systematically refers to these questions as "a series of questions." Thus, Graves fails to disclose a hierarchical data

structure that includes two or more parent preference objects, as required by the claim. Lacking the claimed hierarchical data structure, Graves cannot disclose generating a user profile that includes the hierarchical data structure and specifies the respective preference value for each of the two or more parent preference objects. Because Graves fails to disclose at least the above limitations, claim 40 should be allowed. Claims 41-46 depend from claim 40, and are allowable for at least the same reasons.

Claim 47, as amended, recites a software product comprising instructions to cause data processing apparatus to perform operations similar to those discussed above with reference to claim 40. Because Graves fails to disclose the above discussed limitations of these operations, claim 47 is allowable. Claims 48-53 depend from claim 47, and are allowable for at least the same reasons.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

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Respectfully submitted,

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